

REMARKS

Claims 35-55 and 73 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner states that claims 35 and 73 recite that a plurality of teeth are made of a single piece of material, and it appears that a process for making a product is being claimed. The phrase “made of” should be interpreted as being synonymous with “that are” because of the normal use of that phrase in contemporary English. For example, when you inquire about what ingredients are within a recipe, you ask the question, “What is that made of?” The same question is asked when you inquire about the material composition of an object. One is not asking the question “How was that made?” or “By what process was that made?” Instead, the question is asking about the composition of the food or object. Similarly, the phrase “made of a single piece of material” in Applicant’s claims indicates the composition of the plurality of teeth (i.e., each is a single piece).

If Applicant intended to have a product-by-process recitation, Applicant would have used language such as “making a plurality of teeth of a single piece of material,” for example. Applicant has not intended to include a product-by-process recitation, and Applicant respectfully requests that the rejection be withdrawn.

Claims 35-38, 40-44, 47-51, 53-55, 57-60 and 62-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kraft* (see also *Boltrek*) in view of *Harrison*. The Examiner admits that *Kraft* and *Boltrek* do not disclose a plurality of teeth made of a single piece of material. The Examiner states that *Harrison* teaches this feature, and it would be obvious to make the plurality of teeth of *Kraft* or *Boltrek* of a single piece of material to provide a structure that is easier to fabricate. The Examiner states that Applicant has not provide any evidence why such a modification cannot be made, and the Examiner has found no evidence in *Kraft* as to why such a

modification cannot be made or why stampings are an improvement over other art. Applicant respectfully disagrees.

Claims 35-38, 40-44, 47-51 and 53-55 are not obvious. *Kraft* expressly discloses that the linkages 23 include projections 25 that are formed of a plurality of laminations that are not made of a single piece of material (see, e.g., column 2, lines 46-47). Figure 3 of *Boltrek* expressly shows that the toothed links 13 include teeth 13t that are constructed of plates of material that appear to be stacked together. Accordingly, neither *Kraft* nor *Boltrek* teach or suggest projections or teeth formed from a single piece of material as claimed. The Examiner states that it would be obvious to make the plurality of teeth of *Kraft* or *Boltrek* of a single piece of material to provide a structure that is easier to fabricate. The Examiner has not provided any evidence as to why forming the projections 25 or the teeth 13t of the base references as a single piece of material would provide an improvement or provide a structure that would be easier to fabricate. That is, the Examiner has not provided any motivation to make the proposed modification. Additionally, nothing in *Kraft* or *Boltrek* teaches that the laminations are deficient or are in any need of modification. The claimed invention is not obvious, and Applicant respectfully requests that the rejection be withdrawn.

Regarding Claims 57-60 and 62-73, the Examiner states that the projections 25 of *Kraft* and the teeth 131 of *Boltrek* are not subject to a tensile load, but are instead subject to a shear load in the direction of conveyance. However, the claimed invention recites that each stepchain link includes an inner portion and a distinct outer portion that does not carry tensile loads. Even if the projections 25 and the teeth 131 are subject to shear loads, the linkages 23 of *Kraft* and the toothed links 13 of *Boltrek* do not disclose an inner portion and a distinct outer portion that does not carry tensile loads. Each lamination of the linkage 23 and the toothed links 13 is made of a

single piece of material, none of which has an outer portion that is distinct from an inner portion. The claimed invention is not obvious, and Applicant respectfully requests that the rejection be withdrawn.

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Kraft* in view of *Harrison* further in view of *Nakatani*. Claims 39 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kraft* in view of *Harrison*, *Nakatani* and *Tanigawa*. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Kraft* in view of *Harrison* and further in view of *Green*. Claims 39, 45, 46 and 52 depend on patentable independent claim 35, and are allowable for the reasons set forth above. The claimed invention is not obvious, and Applicant respectfully requests that the rejection be withdrawn.

No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

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